

**LEWIS
AND
ROCA**
LLP
LAWYERS

E-Filed on 4/9/09

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM OF TERI MELVIN
AS FILED PARTIALLY IN WRONG
DEBTOR'S CASE; DUPLICATE
CLAIMS; AND OBJECTION OF DTDF
TO PROPOSED ALLOWANCE OF
CLAIM (WITH CERTIFICATE OF
SERVICE)**

Hearing Date: June 12, 2009

Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIMS
THAT YOU FILED. The USACM Trust seeks to disallow your claims because the
USACM Trust contends that**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

- 1 **1. Claim No. 10725-02421 is partially based upon an investment in USA**
- 2 **Capital Diversified Trust Deed Fund (“DTDF”) and was therefore filed**
- 3 **in the wrong debtor case, and it is duplicative of Claim 10725-02351;**
- 4 **2. Claim No. 10725-02348 is duplicative of Claim 10725-02351; and**
- 5 **3. Claim No. 10725-02349 is duplicative of Claim 10725-02351.**

6 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
7 **COURT TO DISCUSS THE MERITS OF YOUR CLAIMS.** QUESTIONS
8 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
9 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
10 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

11 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
12 through its counsel, has filed an Objection of USACM Trust to Proofs of Claim of Teri
13 Melvin As Filed Partially in Wrong Debtor’s Case; Duplicate claims; and Objection of
14 DTDF to Proposed Allowance of Claim (with Certificate of Service) (the “Objection”).
15 The USACM Trust respectfully requests that the Court enter an order pursuant to § 502 of
16 title 11 of the United States Code (the “Bankruptcy Code”)

- 17 1. Disallowing \$192,189.29 of claim 10725-02421 against USACM,
18 disallowing any proposed allowance of your claim in the DTDF case, and
19 appropriately allowing you to retain an equity interest in DTDF in the
20 amount of \$192,189.29 as reflected in the books and records of DTDF as of
21 April 13, 2006;
 - 22 2. Disallowing claim 10725-02348 in its entirety on the ground that it is
23 duplicative of claim 10725-02351; and
 - 24 3. Disallowing claim 10725-02349 in its entirety on the ground that it is
25 duplicative of claim 10725-02351.
- 26

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NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on **June 12, 2009, at the hour of 9:30 a.m.**

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JUNE 12, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.

NOTICE IS FURTHER GIVEN that any response to the Objection must be filed by **June 5, 2009,** pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on that matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

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Dated: April 9, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ# 18024)
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John Hinderaker, AZ 18024
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Telephone (702) 949-8320
Counsel for USACM Liquidating Trust

Copy of the foregoing mailed by first class
Postage prepaid U.S. mail
On April 9, 2009 to:

Teri Melvin
2704 Chokecherry Way
Henderson, NV 89014

/s/ Carrie Lawrence
Carrie Lawrence